



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

mw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,782	06/18/2001	Takashi Udagawa	Q61741	1610

7590

12/18/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

BROCK II, PAUL E

ART UNIT PAPER NUMBER

2815

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,782

Applicant(s)

UDAGAWA, TAKASHI

Examiner

Paul E Brock II

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed June 14, 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

There was no list submitted to be initialed.

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

For example, JP-A-2000-58451, as taught in the specification on pages 19 – 20, is not listed on any information disclosure statements which have been filed.

Drawings

3. The corrected or substitute drawings were received on October 25, 2002. These drawings are acceptable.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 10, 11 – 18, and 19 – 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With regard to claims 1 – 10 and 19 – 20, it is not clear where in the originally filed specification support for “said second conduction-type surface ohmic electrode... does not exist below said pad electrode,” can be found. With regard to claims 11 – 18, it is not clear where in the originally filed specification support for “said second conduction-type surface ohmic electrode... does not exist below said pad electrodes,” can be found.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 – 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "the whole of a pad electrode" in the tenth line of the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of this office action "the whole of a pad electrode" will be considered --a whole pad electrode--.

9. Claim 11 recites the limitation "the whole of a pad electrode" in the eighth line of the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of this office action "the whole of a pad electrode" will be considered --a whole pad electrode--.

10. Claim 19 recites the limitation "the whole of a pad electrode" in the ninth line of the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of this office action "the whole of a pad electrode" will be considered --a whole pad electrode--.

11. It is not clear in claim 21 if the recitations of "a pad electrode" in lines 10 and 11 are referring to the same "a pad electrode" or if there are two. For purposes of this office action the "a pad electrode" in line 11 will be considered --said pad electrode--.

12. Further, in claim 21, the claim terminology starting on line 7 stating "a second conduction-type surface ohmic electrode conductive with said window layer is between the

Art Unit: 2815

surface of said group-III nitride crystal layer and said window layer is disposed in an open light emitting region other than a projective region” is unclear. What “is disposed in an open light emitting region other than a projective region,” the window layer, or the second conduction-type surface ohmic electrode?

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 – 3 and 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn et al. (USPAT 6078064, Ming-Jiunn) in view of Ohba et al. (USPAT 5076860, Ohba) and Okazaki et al (USPAT 5977566, Okazaki).

With regard to claim 1, Ming-Jiunn discloses in figure 7 a group-III nitride semiconductor light-emitting diode comprising at least a first conduction-type single crystal substrate (52) provided with a first conduction-type back-surface ohmic electrode (19) on a back surface thereof, a buffer layer (16) on a front surface of the single crystal substrate, a gallium nitride (GaN)-based group-III nitride crystal layer (13/14) having a light-emitting part of hetero-junction structure on the buffer layer, and a window layer (11b) comprising an electrically conducting transparent oxide crystal layer on the group-III nitride crystal layer, wherein at least a second conduction-type surface ohmic electrode (42) conductive with the window layer is

Art Unit: 2815

between the surface of the group-III nitride crystal layer and the window layer and comes into contact with the surface of the group-III nitride crystal layer and a whole pad electrode for wire bonding is on the center of the upper surface of the window layer. Ming-Jiunn does not teach that the buffer layer comprises a boron phosphide (BP)- based material. Ohba teaches in figure 13 a buffer layer (62) comprising a boron phosphide (BP)-based material on a front surface of a single crystal substrate (61). It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the boron phosphide buffer layer of Ohba in the device of Ming-Jiunn in order to form an indirect transition buffer layer as stated by Ohba in column 11, lines 30 – 35. Ming-Jiunn and Ohba do not teach that the second conduction –type surface ohmic electrode is composed of a plurality of electrodes. Okazaki teaches in figures 1 and 4 a second conduction-type surface ohmic electrode (13) conductive with a window layer (15) is between a surface of a group-III nitride crystal layer (7) and the window layer and comes into contact with the surface of the group-III nitride crystal layer, a pad electrode (17) for wide bonding is on the upper surface of the window layer and the second conduction-type surface ohmic electrode is composed of a plurality of electrodes. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the plurality of electrodes of Okazaki in the device of Ming-Jiunn and Ohba in order to effectively scatter current as stated by Okazaki in column 6, lines 6 – 9. As far as the examiner can ascertain Ming-Jiunn, Ohba, and Okazaki read on the limitation that the second conduction type surface ohmic electrode does not exist below the pad electrode.

With regard to claim 2, Okazaki teaches in figures 1a and 4 wherein the second conduction-type surface ohmic electrodes are disposed in a periphery of the pad electrode.

Art Unit: 2815

With regard to claim 3, Okazaki teaches in figure 7 wherein the second conduction-type surface ohmic electrodes are disposed at a bilaterally symmetric position with respect to the center of the pad electrode.

With regard to claim 6, Okazaki teaches in figure 7 wherein the second conduction-type surface ohmic electrodes are disposed in an open light-emitting region other than a projective region of the pad electrode on the surface of the group-III nitride crystal layer.

With regard to claim 7, Okazaki teaches in figures 1a and 4 wherein the sum of areas of second conduction-type surface ohmic electrodes is from 5 to 30% of a total area of the open light-emitting region.

15. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn, Ohba and Okazaki as applied to claim 1 above, and further in view of Bastek (USPAT 4232440).

It is not clear if Ming-Jiunn, Ohba and Okazaki teach wherein the second conduction-type surface ohmic electrodes are disposed at isometric positions from the center of the pad electrode. Bastek teaches in figure 3 wherein a second conduction-type surface ohmic electrodes (16) are disposed at isometric positions from the center of a pad electrode (15). It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the positioning of Bastek in the device of Ming-Jiunn, Ohba and Okazaki in order to make contact to a light emitting portion of a light emitting device with a high degree of reliability and with minimum interference with light emission.

Art Unit: 2815

16. Claims 11 – 13, 16, 17, 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn in view of Okazaki.

With regard to claim 11, Ming-Jiunn discloses in figure 7 an electrode for group-III nitride semiconductor light-emitting diodes for a group-III semiconductor light-emitting diode comprising at least a gallium nitride (GaN)-based group-III nitride crystal layer (13/14) having a light-emitting part of hetero-junction structure, and a window layer (11b) comprising an electrically conducting transparent oxide crystal layer provided on the group-III nitride crystal layer, wherein at least a surface ohmic electrode (42) conductive with the window layer is between the surface of the group-III nitride crystal layer and the window layer and comes into contact with the surface of the group-III nitride crystal layer and a whole pad electrode for wire bonding is on the center of the upper surface of the window layer. Ming-Jiunn does not teach that the second conduction –type surface ohmic electrode is composed of a plurality of electrodes. Okazaki teaches in figures 1 and 4 a surface ohmic electrode (13) conductive with a window layer (15) is between a surface of a group-III nitride crystal layer (7) and the window layer and comes into contact with the surface of the group-III nitride crystal layer, a pad electrode (17) for wire bonding is on the upper surface of the window layer and the surface ohmic electrode is composed of a plurality of electrodes. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the plurality of electrodes of Okazaki in the device of Ming-Jiunn in order to effectively scatter current as stated by Okazaki in column 6, lines 6 – 9. As far as the examiner can ascertain Ming-Jiunn and Okazaki read on the limitation that the second conduction type surface ohmic electrode does not exist below the pad electrode.

With regard to claim 12, Okazaki teaches in figures 1a and 4 wherein the surface ohmic electrodes are disposed in a periphery of the pad electrode.

With regard to claim 13, Okazaki teaches in figure 7 wherein the surface ohmic electrodes are disposed at a bilaterally symmetric position with respect to the center of the pad electrode.

With regard to claim 16, Okazaki teaches in figure 7 wherein the surface ohmic electrodes are disposed in an open light-emitting region other than a projective region of the pad electrode on the surface of the group-III nitride crystal layer.

With regard to claim 17, Okazaki teaches in figures 1a and 4 wherein the sum of areas of surface ohmic electrodes is from 5 to 30% of a total area of the open light-emitting region.

With regard to claim 19, Ming-Jiunn discloses in figure 7 forming a surface ohmic electrode in contact with a surface of a gallium nitride (GaN)-based group-III nitride crystal layer having a light-emitting part of hetero-junction structure. Ming-Jiunn discloses in figure 7 then covering the surface of the group-III nitride crystal layer and the surface ohmic electrode to form a window layer comprising an electrically conducting transparent oxide crystal layer conductive with the surface ohmic electrode. Ming-Jiunn discloses in figure 7 then forming a whole pad electrode for wire bonding on a center of the upper surface of the window layer conductive with the window layer. Ming-Jiunn does not teach that the surface ohmic electrode is composed of a plurality of electrodes. Okazaki teaches in figures 1 and 4 a surface ohmic electrode (13) composed of a plurality of electrodes. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the plurality of electrodes of Okazaki in the device of Ming-Jiunn in order to effectively scatter current as stated by Okazaki in column 6, lines 6 –

Art Unit: 2815

9. As far as the examiner can ascertain Ming-Jiunn and Okazaki read on the limitation that the second conduction type surface ohmic electrode does not exist below the pad electrode.

With regard to claim 20, Ming-Jiunn discloses in figure 7 wherein the pad electrode is formed on the group-III nitride crystal layer through a window layer comprising an electrically conductive transparent oxide crystal layer so that the electrically conducting transparent oxide crystal layer is not present on the surface of the pad electrode used for wire bonding.

Claim 22 is rejected similar to claims 1, 6 and 7 above as applied to Ming-Jiunn and Okazaki.

17. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn and Okazaki as applied to claim 11 above, and further in view of Bastek (USPAT 4232440).

It is not clear if Ming-Jiunn and Okazaki teach wherein the surface ohmic electrodes are disposed at isometric positions from the center of the pad electrode. Bastek teaches in figure 3 wherein surface ohmic electrodes (16) are disposed at isometric positions from the center of a pad electrode (15). It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the positioning of Bastek in the device of Ming-Jiunn and Okazaki in order to make contact to a light emitting portion of a light emitting device with a high degree of reliability and with minimum interference with light emission.

Art Unit: 2815

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn in view of Ohba, Okazaki and applicant's admitted prior art from JP-A-2000-58451 (as taught in the specification on pages 19 – 20, AAPA).

Claim 21 is rejected similar to claims 1, 6 and 7 above as applied to Ming-Jiunn, Ohba and Okazaki. Further, Ming-Jiunn, Ohba and Okazaki are silent to a buffer layer of BP composed of an amorphous body in the as-grown state. The AAPA, as taught in the specification on pages 19 – 20, teaches a buffer layer of BP composed of an amorphous body in the as-grown state. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the buffer layer of BP composed of an amorphous body in the as-grown state of the AAPA in the device of Ming-Jiunn, Ohba and Okazaki in order to use well known forming techniques for the buffer layer.

Response to Arguments

19. Applicant's arguments filed October 25, 2002 have been fully considered but they are not persuasive.

20. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

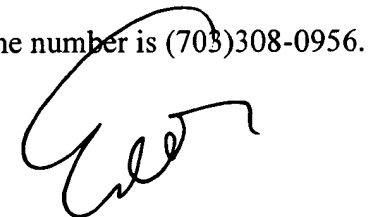
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E Brock II whose telephone number is (703)308-6236. The examiner can normally be reached on 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703)308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Paul E Brock II
December 13, 2002



EDDIE LEE
SUPERVISOR
TELEPHONE (703) 308-1690
FAX (703) 308-7722